

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
) No. 03-10370-DPW
 v.)
)
3. GARY NEWELL,)
)
 Defendant.)

**GOVERNMENT'S SUPPLEMENTAL FILING TO ITS
OPPOSITION TO GARY NEWELL'S MOTION
FOR SUPPLEMENTAL DISCOVERY**

The United States of America, by its attorneys, United States Attorney Michael J. Sullivan, and Assistant U. S. Attorney Rachel E. Hershsfang, hereby supplements its opposition to Gary Newell's ("Newell") motion for supplemental discovery with respect to one request, noted below.

Request:

B. Massachusetts State Police Records

2. Turret Tapes

- (a) Copies of all Massachusetts State Police turret tapes made on January 24, 2003 during the period from 10:00 a.m. through 12:00 noon. If such records no longer exist, please indicate the date and time they were erased or otherwise destroyed, and by whom.

Revised Response:

To the extent this request calls for all Turret tapes that pertain to this particular time period, it is overly broad and unduly burdensome, in that it calls for production of items unrelated to this investigation. The request will be construed

as applying only to communications with Trooper Mark Reid, the State Police Trooper who came to the scene. The Massachusetts State Police ("MSP") do make and maintain so-called "turret tapes" (recordings of agent-to-agent or agent-to-base communications). The recordings from this date, as described above, are reported still to be in existence and have been requested, effective today, on an expedited basis. They will be provided to counsel immediately upon receipt.

Respectfully submitted,
MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Rachel E. Hershfang
RACHEL E. HERSHFANG
Assistant U.S. Attorney

Dated: November 29, 2004